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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/090,180

**Applicant(s)**

MCQUAIDE ET AL.

**Examiner**

MARISSA LIU

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-2, 6-11, 13-18 are presented for examination. Applicant filed a RCE on 11/11/2008 amending claims 1, 10, 13 and 18 and canceling claims 3-5 and 12. Upon careful consideration of Applicant's amendments and arguments, the Examiner withdraws the rejections of claims 1-18. However, new grounds of rejection of claims 1-2, 6-11, 13-18 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

#### ***Claim Rejections - 35 USC § 112***

2. Claims 1, 10 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The term "available mobile network service" in claim 1 or 10 or 18 is a relative term which renders the claim indefinite. The term "available mobile network service" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of the examination, the examiner interprets "available mobile network service" as "mobile network service".

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 10 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., US Patent Number: 7,006,994 B1 in view of Hudda et al., US Publication Number: 2001/0049636 A1, in view of Chavez, US Patent Number: 3,868,057, in view of Dutta et al., US Publication Number: 2001/0049636 A1, in view of Official Notice (evidenced by Martin et al., US Patent Number: 5,614,703), further in view of Warmack, US Publication Number: 2002/0161701 A1.

1. As per claim 1, or 10 or 18 Campbell et al. teaches a credit alert system or method, comprising:

a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account (column 9, lines 19-30; column 3, lines 44-52; column 8, lines 61-64; column 12, lines 1-11; Figs. 3-5; claims 1-2);

an application module in communication with the wireless subscriber account server for to determine a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving alert from the credit card account database; and (column 3, lines 40-52; column 8, lines 7-22; column 10, lines 22-29, column 11, lines 36-38; column 11, line 65-column 12, line 10 , where “laptop” or “PDA (personal data assistant screen) screen, for example using a wireless network” is equivalent to the “wireless device”).

Campbell et al. does not teach: a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; wherein the credit card account database does not have or have access to wireless subscriber

account information for a person associated with the credit card account; unsolicited credit card; comparing information contained in the credit card alert to subscriber information contained in the wireless subscriber dataset to determine; a Wireless Application Protocol (WAP) push proxy gateway in communication with the wireless subscriber account server that sends message to wireless device of the subscriber using an available mobile network service; wherein the credit card alert is unsolicited by the person associated with the credit card account; unsolicited;

Hudda et al. teaches a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information (paragraphs 0139, 0142-0143 and 0138).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to add a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information feature to the system or method of Campbell because Hudda et al. teaches that adding the feature helps provide the consumer with a notification directly sent to the wireless device of the consumer or helps to notify the consumer the result (paragraphs 0062, 0117 and 0009-0045).

Chavez teaches: unsolicited credit card (column 1, lines 20-26); unsolicited by (column 1, lines 20-26); unsolicited (column 1, lines 20-26).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to add unsolicited credit card, unsolicited by and unsolicited feature to the system or method of Campbell because Hudda et al. teaches that adding the feature helps to make possible the virtual elimination of credit card misuse (column 1, lines 9-35).

Dutta et al. teaches a Wireless Application Protocol (WAP) push proxy gateway in communication with the wireless subscriber account server that sends message to wireless device of the subscriber using an available mobile network service (Fig. 4; paragraphs 0008-0010 and 0026-0027; abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a Wireless Application Protocol (WAP) push proxy gateway in communication with the wireless subscriber account server that sends message to wireless device of the subscriber using an available mobile network service feature to the combined system or method of Campbell et al., Official Notice, Chaves and Hudda because Dutta et al. teaches that adding the feature helps to control a security element of a mobile terminal for disabling and enabling access to secure functions of the mobile system (paragraph 0009, page 9 and claim 32 of Dutta et al.).

Official Notice is taken that wherein database does not have or have access to account information for person associated with credit card account and comparing information contained in the credit card alert to subscriber information contained in the wireless database features is old and well known in the credit card industry to ensure security of the customer information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature to the credit alert. The Official Notice described above is evidenced by Martin et al. (column 7, lines 31-48; column 7, lines 6-21; columns 1-10)

Warmack et al. teaches: wherein the credit card alert is the person associated with the credit account (paragraphs 0021 and 0025).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add wherein the credit card alert is the person associated with the credit account feature to the combined system or method of Campbell et al., Official Notice, Chaves and Hudda because Warmack. teaches that adding the feature helps to provide usage by alerting the primary card owner of any suspicious and/or all purchase/debits (abstract).

2. As per claim 7, Campbell et al., Warmack, Official Notice, Chaves, Dutta et al. and Hudda teach the system or method of claim 1 described above. Campbell further teaches wherein the wireless device is a personal digital assistant (column 10, lines 22-29; column 3, lines 44-52; column 8, lines 61-64).
3. Claims 2, 6, 8-9, 11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., US Patent Number: 6,430,406 B1, in view of Hudda et al., US Publication Number: 2001/0049636 A1, in view of Chavez, US Patent Number: 3,868,057, in view of Dutta et al., US Publication Number: 2002/0186845 A1, in view of Official Notice (evidenced by Martin et al., US Patent Number: 5,614,703), further in view of Warmack, US Publication Number: 2002/0161701 A1.
4. As per claim 2 or 11, Campbell et al., Dutta et al., Warmack, Chaves, Official Notice and Hudda teach system or method of claim 1 or 10 described above. Campbell et al. does not teach wherein the wireless device is Wireless Application Protocol (WAP) enabled. Dutta et al. teaches wherein the wireless device is Wireless Application Protocol (WAP) enabled (abstract).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the wireless device is Wireless Application Protocol (WAP)

enabled feature to the combined system or method of Campbell et al., Chaves, Dutta et al., Warmack, Official Notice and Hudda because Dutta et al. teaches that adding the feature helps to service enables a user to immediately block access to user authentication function in the security element of a phone or other type of mobile terminal (abstract).

Official Notice is taken that wireless subscriber feature is old and well known in the credit card industry as a convenient way to inform customer about alert information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature to the credit alert. The applicant fails to properly traverse the Official Notice. Therefore, Official Notice described above is the admitted prior art now.

5. As per claim 6, Campbell et al., Chaves, Dutta et al., Warmack, Official Notice and Hudda et al. teach the system of claim 1 described above. Campbell et al. does not teach wherein the wireless device is a wireless telephone. Dutta teaches wherein the wireless device is a wireless telephone (§ 0001, 0004-0005, 0009, 0026 and 0028).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the wireless device is a wireless telephone feature to the combined credit alert system of Campbell et al., Warmack, Chaves, Dutta et al., Official Notice and Hudda et al., because Dutta et al. teaches that adding the feature helps to enable a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (§ 0007 of Dutta et al.).

6. As per claim 8, Campbell et al., Chaves, Warmack, Dutta et al., Official Notice and Hudda et al. teach the system of claim 1 described above. Campbell et al. does not teach



wherein the wireless device is a pager. Dutta et al. further teaches wherein the wireless device is a pager (see ¶ 0060).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add wireless device is a pager feature to the combined credit alert system of Campbell, Dutta et al., Chaves, Warmack, Official Notice and Hudda et al., because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (¶ 0007 of Dutta et al.).

7. As per claim 9, Campbell et al., Dutta et al., Warmack, Chaves, Official Notice and Hudda et al. teach the system of claim 1 described above. Dutta et al. further teaches wherein the wireless device is a portable computer having a wireless modem (see ¶ 0057 and ¶ 0060).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a portable computer having a wireless modem feature to the combined credit alert system of Campbell et al., Dutta et al., Chaves, Warmack, Official Notice and Hudda et al. because Dutta et al. teaches that adding the feature helps to enables a user to immediately block access to the payment and user authentication functions in the tamper resistant security of a phone or other type of mobile terminal with a radio message (see ¶ 0007 of Dutta et al.).

8. As per claim 13, Campbell et al., Official Notice, Warmack, Hudda et al., Chaves and Dutta et al. teach the method of claim 12 described above. Dutta et al. further teaches wherein the message is a WAP push initiator (¶ 0008-0010 and 0026).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add message is a WAP push initiator feature to combined credit alert system of Campbell et al., Official Notice, Chaves, Hudda et al., Warmack and Dutta et al. because Dutta et al. teaches that adding the feature helps to control access to a security key in a security element (§ 0008 and page 10, claim 42 of Dutta et al.)

9. As per claim 14, Campbell, Official Notice, Warmack, Chaves, Hudda et al. and Dutta et al. teach the method of claim 13 described above. Campbell et al. further teaches wherein the message is transmitted when the credit card account exceeds a predetermined amount (column 3, lines 40-52).

10. As per claim 15, Campbell et al., Hudda et al., Warmack, Chaves, Official Notice and Dutta et al. teach the method of claim 13 described above. Campbell et al. further teaches wherein the message is transmitted upon non-receipt of a credit payment (column 3, lines 40-52).

11. As per claim 16, Campbell et al., Hudda et al., Warmack, Chaves, Official Notice and Dutta et al. teach the method of claim 13 described above. Campbell et al. further teaches wherein the message is transmitted when the credit card account is past due (column 3, lines 40-52).

12. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al., US Patent Number: 6,430,406 B1, in view of Hudda et al., US Publication Number: 2001/0049636 A1, in view of Chavez, US Patent Number: 3,868,057, in view of Dutta et al., US Publication Number: 2002/0186845 A1, in view of Official Notice, further in view of Warmack, US Publication Number: 2002/0161701 A1.

13.

14. As per claim 17, Campbell, Hudda et al., Chaves, Warmack, Official Notice and Dutta et al. teach the method of claim 13 described above. Campbell et al., Hudda, Warmack, Chaves and Dutta et al. do not teach wherein the message is transmitted upon suspension of the credit card account.

Official Notice is taken transmit a message when credit card account is closed is old and well established in the credit card and banking industry in order to notify customer the current account activity in order to prevent fraudulent activities or enhance security. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included transmit a message when credit card account is closed to the credit alert system. Applicant does not properly traverse rejection, therefore the Official Notice is admitted prior art.

***Response to Arguments***

15. Applicant's arguments with respect to claims 1-2, 6-11, 13-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA LIU whose telephone number is (571)270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./  
Examiner, Art Unit 3694

/James P Trammell/  
Supervisory Patent Examiner, Art Unit 3694